

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 2

PATENT NO. : 7,070,613 B2

APPLICATION NO.: 10/035,158

ISSUE DATE : July 4, 2006

INVENTOR(S) : Weber et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Front Page:

References Cited:

U.S. PATENT DOCUMENTS

5,810,871	9/1998	Tuckey et al.....606/198
6,174,327	1/2001	Mertens et al.....623/1.11
2001/0049551	12/2001	Tseng et al.....623/1.15

FOREIGN PATENT DOCUMENTS

EP 0 553 960	8/1993	(EP)
WO 97/09946	3/1997	(WO)
EP 0 872 220	10/1998	(EP)
EP 0 897 730	2/1999	(EP)
WO 99/56663	11/1999	(WO)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

KENYON AND KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 2

PATENT NO. : 7,070,613 B2

APPLICATION NO.: 10/035,158

ISSUE DATE : July 4, 2006

INVENTOR(S) : Weber et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 2, line 18, "andenoassociated virus" should be changed to --adeno-associated virus--;
 Column 2, line 58, "nitorfurantoin" should be changed to --nitrofurantoin--;
 Column 2, line 60, "lisidomine" should be changed to --linsidomine--;
 Column 2, line 66, "Warafin" should be changed to --warfarin--;
 Column 3, lines 1-2, "promotors" should be changed to --promoters--;
 Column 3, lines 3-4, "promotors" should be changed to --promoters--;
 Column 3, line 12, "endogeneus vascoactive" should be changed to --endogenous vasoactive--;
 Column 3, line 52, "(("BMP's"))" should be changed to --("BMPs")--;
 Column 3, line 55, "BMP's" should be changed to --BMPs--;
 Column 4, line 18, "Pebax" should be changed to --PEBAX® (polyether block amide)--
 Column 4, line 66, "that " should be changed to --than--;
 Column 5, line 62, "components" should be changed to --components.--;
 Column 6, line 3, "Tantalum, Platinum of Nitinol alloys" should be changed to --tantalum, platinum, or nitinol alloys--;
 Column 6, line 14, "though" should be changed to --through--;
 Column 7, line 30, "proximal only" should be changed to --proximal end only--; and
 Claim 16, line 3 (column 9, line 1), "sheath at least one" should be changed to --sheath at at least one--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

KENYON AND KENYON
 1500 K Street, N.W., Suite 700
 Washington, D.C. 20005

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/36670

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61F2/06 A61M25/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61F A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 0 897 730 A (ADVANCED CARDIOVASCULAR SYSTEM) 24 February 1999 (1999-02-24) paragraphs '0015!', '0016!', '0021!'-'0023!; figures 1,2	1-3,8, 12-16, 21,22
Y	US 2001/049551 A1 (TSENG DAVID ET AL) 6 December 2001 (2001-12-06) paragraphs '0028!', '0030!	1-3,8, 12-16, 21,22
Y	EP 0 872 220 A (ADVANCED CARDIOVASCULAR SYSTEM) 21 October 1998 (1998-10-21)	1-3,8, 12-16, 21,22
A	column 2, line 48 -column 3, line 16; figures 4,7,8 column 7, line 34 - line 43 --- -/-	4-7,18



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

° Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

5 March 2003

Date of mailing of the international search report

17/03/2003

Name and mailing address of the ISA

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 Fax: (+31-70) 340-3016

Authorized officer

Cuiper, R

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/36670

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 99 56663 A (SCIMED LIFE SYSTEMS INC) 11 November 1999 (1999-11-11)	1-3,8, 12-16, 21,22
A	page 7, line 12 - line 20 page 5, line 25 -page 6, line 16 page 8, line 9 - line 21 page 10, line 11 - line 24 ---	4-7,18
A	EP 0 553 960 A (ADVANCED CARDIOVASCULAR SYSTEM) 4 August 1993 (1993-08-04) column 2, line 4 - line 10; figures 1,2 ---	1-18,21, 22
A	US 6 174 327 B1 (MICKLEY TIMOTHY J ET AL) 16 January 2001 (2001-01-16) abstract; figure 1 ---	1-18,21, 22
A	WO 97 09946 A (BARD GALWAY LTD ;BORGHI ENZO (IT)) 20 March 1997 (1997-03-20) page 5 -page 6; claims 1,3; figure 1 ---	1-18,21, 22
A	US 5 810 871 A (RUPP GARRY EUGENE ET AL) 22 September 1998 (1998-09-22) column 3 -column 5; figure 8 -----	1-18,21, 22

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/36670

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0897730	A	24-02-1999	EP 0897730 A2	24-02-1999
			JP 11188112 A	13-07-1999
US 2001049551	A1	06-12-2001	EP 1164972 A1	02-01-2002
			JP 2002540822 T	03-12-2002
			WO 0056247 A1	28-09-2000
			US 2002091437 A1	11-07-2002
EP 0872220	A	21-10-1998	US 6143016 A	07-11-2000
			CA 2235506 A1	21-10-1998
			EP 0872220 A1	21-10-1998
			JP 11070170 A	16-03-1999
WO 9956663	A	11-11-1999	CA 2326828 A1	11-11-1999
			EP 1076534 A2	21-02-2001
			JP 2002513627 T	14-05-2002
			US 2002055769 A1	09-05-2002
			WO 9956663 A2	11-11-1999
			US 6379379 B1	30-04-2002
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			DE 69313312 D1	02-10-1997
			DE 69313312 T2	02-01-1998
			EP 0553960 A1	04-08-1993
			JP 5337189 A	21-12-1993
US 6174327	B1	16-01-2001	NONE	
WO 9709946	A	20-03-1997	IT B0950430 A1	13-03-1997
			AT 212531 T	15-02-2002
			AU 6752796 A	01-04-1997
			BR 9610612 A	17-02-1999
			CA 2229539 A1	20-03-1997
			CN 1195976 A	14-10-1998
			DE 69618967 D1	14-03-2002
			DE 69618967 T2	29-08-2002
			EP 0850031 A1	01-07-1998
			WO 9709946 A1	20-03-1997
			JP 11512313 T	26-10-1999
US 5810871	A	22-09-1998	US 5951569 A	14-09-1999
			WO 9848732 A1	05-11-1998

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/36670

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0897730	A	24-02-1999	EP 0897730 A2 JP 11188112 A	24-02-1999 13-07-1999
US 2001049551	A1	06-12-2001	EP 1164972 A1 JP 2002540822 T WO 0056247 A1 US 2002091437 A1	02-01-2002 03-12-2002 28-09-2000 11-07-2002
EP 0872220	A	21-10-1998	US 6143016 A CA 2235506 A1 EP 0872220 A1 JP 11070170 A	07-11-2000 21-10-1998 21-10-1998 16-03-1999
WO 9956663	A	11-11-1999	CA 2326828 A1 EP 1076534 A2 JP 2002513627 T US 2002055769 A1 WO 9956663 A2 US 6379379 B1	11-11-1999 21-02-2001 14-05-2002 09-05-2002 11-11-1999 30-04-2002
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,158	01/04/2002	Jan Weber	12013/59401	1766
23838	7590	10/03/2003		
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005				
			EXAMINER STEWART, ALVIN J	
			ART UNIT 3738	PAPER NUMBER

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

001 8 10 2003 173

Office Action Summary

Application No.

10/035,158

Applicant(s)

WEBER ET AL.

Examiner

Alvin J Stewart

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

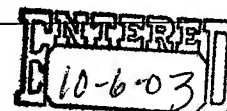
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:



DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Groups I and II in Paper No. 7 is acknowledged.

Claims 19-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Claim Objections

Claims 12 and 17 are objected to because of the following informalities: claims 12 and 17 are the same claims. Cancellation of one of the claims is required. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11, 13-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillstead US Patent 5,116,318 in view of Sahatjian et al US Patent 5,843,089.

Hillstead discloses a system comprising: an expandable stent (32), a compliant sheath (40) and an expandable balloon (34). The stent is in contact and crimped over the sheath (see Fig. 4) and the sheath is made of Latex (see col. 4, lines 36-37). The sheath comprises a tube (see Fig. 2) and the tube comprises a length that is greater than the length of the stent (see Fig.

Art Unit: 3738

3). Finally, the tube is attached to the balloon at the proximal and distal ends (see Fig. 9 and col. 5, lines 43-45).

Regarding claim 7, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the end of the compliant sheath of the Hillstead reference because Applicant has not disclosed that by closing about at least one of a distal end of the sheath provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the two ends of the sheath open (as discloses by the Applicant in paragraph 27) because the sheath will greatly reduces, if not completely obviates, the winging effect frequently observed in different balloon catheters (see col. 4, lines 64-68 and col. 5, lines 1-4).

Therefore, it would have been an obvious matter of design choice to modify Hillstead reference to obtain the invention as specified in claim 7.

Regarding claim 18, the Hillstead reference discloses a tube made of Latex, therefore, the material is capable of being translucent. It has been held that a claim is anticipated if each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference, or that the claimed invention was previously known or embodied in a single prior art device or practice. *Kalman vs. Kimberly-Clark Corp.*, 218 USPQ 789.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillstead US Patent 5,116,318 in view of Sahatjian et al US Patent 5,843,089 as applied to claim 1 above, and further in view of Hyde et al EP 0553960A1.

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Hillstead as modify by Sahatjian discloses a sheath fixedly attached to the balloon at the proximal and distal ends of the balloon. However, Hillstead as modify by Sahatjian do not disclose an adhesive located between the sheath and the balloon.

Hyde et al discloses a balloon connected to the rest of the catheter by an adhesive for the purpose of sealingly connects the two structures together.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fixation method of the Hillstead reference with the adhesive of the Hyde et al reference in order to sealingly connects the two structures together.

Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillstead US Patent 5,116,318 in view of Sahatjian et al US Patent 5,843,089 as applied to claim 1 above, and further in view of Savin et al US Patent 4,950,227.

Hillstead as modify by Sahatjian discloses the invention substantially as claimed. However, Hillstead as modify by Sahatjian do not disclose a lubricant for the purpose of reducing the fiction between structures.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Hillstead reference with the lubricant solution of the Savin et al reference in order to reduce the fiction between structures.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Stewart whose telephone number is 703-305-0277. The examiner can normally be reached on Monday-Friday 7:00AM-5:30PM(1 Friday B-week off).

Art Unit: 3738

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

A handwritten signature in black ink, appearing to read 'Alvin Stewart', with a stylized, overlapping flourish at the end.

Alvin Stewart
September 24, 2003.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 1 of 1

Complete if Known

Application Number	10/001 960
--------------------	------------

Filing Date 10/20/2010 Page 1 of 1

File Number	100-443888-100
File Name	Eric Starvo Galt

Group Art Unit	3765
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Examiner Name	Unassigned
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Attorney Docket Number	12013/58901
------------------------	-------------

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Column Lines Where Disclosed Paragraph or Relevant Figure	T ⁶
		Country Code	Number and Code* (if known)				
AS ↓ AS			EP 0 897 730	02/24/99			
			EP 0 872 290	10/27/93			
			WO 99/55063	11/11/99			
			EP 0 553 960	08/04/93			
			WO 97/09946	03/20/97			

Examiner
Signature

A. J. J. J. J.

Date Considered

09/28/02

EXAMINER: Initial reference considered whether or not citation is in conformance with MPEP 509. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's home location (city and state optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov/ip/patents/101/04.

NOTE: Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.10 if possible.⁶ Applicant is to place a check mark here if English (or the Translation) is attached.

Eight-Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any concerns of the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

Notice of References Cited

Application/Control No.

10/035,158

Applicant(s)/Patent Under
Reexamination
WEBER ET AL.

Examiner

Alvin J Stewart

Art Unit

3738

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,950,227	08-1990	Savin et al.	623/1.12
	B	US-5,116,318 A	05-1992	Hillstead, Richard A.	604/103.14
	C	US-5,843,089 A	12-1998	Sahatjian et al.	623/1.11
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



The stamp of the Patent Office may be taken as acknowledging the receipt, on the date stamped, of

INVENTOR(S): Jan Weber, et al.

SERIAL NO.: 10/035,158

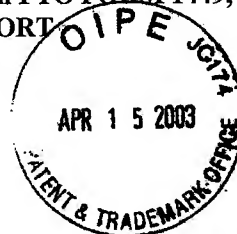
FILED: January 4, 2002

TITLE: NON-COMPLIANT BALLOON WITH COMPLIANT TOP-LAYER TO PROTECT COATED STENT DURING EXPANSION

The PTO is authorized to charge any fees regarding this filing to Deposit Account No. 11-0600.

PAPERS FILED:

1. INFORMATION DISCLOSURE STATEMENT with PTO FORM 1449,
8 REFERENCE & INTERNATIONAL SEARCH REPORT



Mark H. Neblett/vjw

12013/59401

April 15, 2003

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Jan Weber, et al.

Group Art Unit: 3762

Application No.: 10/035,158

Examiner: Unassigned

Filed: January 4, 2002

Docket No.: 12013/59401

For: NON-COMPLIANT BALLOON WITH COMPLIANT TOP-LAYER TO PROTECT
COATED STENTS DURING EXPANSION

INFORMATION DISCLOSURE STATEMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449 and the enclosed PCT Search Report. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date or the date of filing a CPA, OR (b) before the mailing date of a first Office Action on the merits in the present application. No certification or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed with a Request for Continued Examination (RCE). No certification or fee is required.

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☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ c. Please debit Deposit Account No. 11-0600 in the amount of \$240.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

☐ 4. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$130.00 in payment of the petition fee under 37 CFR §1.17(i)(1) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

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☐ 8. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.

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☐ 10. The reference(s) was/were cited by or submitted to the Office in parent application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).

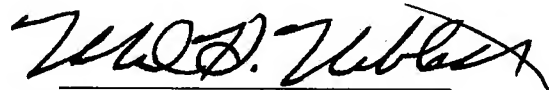
☐ 11. English-language Abstracts of the non-English language references are attached hereto.

☐ 12. Other.

Respectfully submitted,

KENYON & KENYON

Date: 15 April 2003



Mark H. Neblett
Registration No. 42,028

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/001,960
Filing Date	December 5, 2001
First Named Inventor	Eric Stenzel
Group Art Unit	3765
Examiner Name	Unassigned
Attorney Docket Number	12013/58901

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		EP 0 897 730	02/24/99			
		EP 0 872 220	10/21/98			
		WO 99/56663	11/11/99			
		EP 0 553 960	08/04/93			
		WO 97/09946	03/20/97			

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Jan Weber, et al.

Group Art Unit: 3762

Application No.: 10/035,158

Examiner: Unassigned

Filed: January 4, 2002

Docket No.: 12013/59401

For: NON-COMPLIANT BALLOON WITH COMPLIANT TOP-LAYER TO PROTECT
COATED STENTS DURING EXPANSION

INFORMATION DISCLOSURE STATEMENT

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Washington, D.C. 20231

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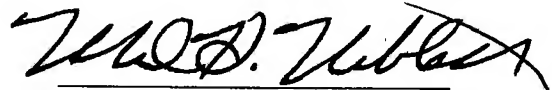
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- ☐ 11. English-language Abstracts of the non-English language references are attached hereto.
- ☐ 12. Other.

Respectfully submitted,

KENYON & KENYON

Date: 15 April 2003



Mark H. Neblett
Registration No. 42,028



#5
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Jan Weber, et al.

Group Art Unit: 3762

Application No.: 10/035,158 ✓

Examiner: Unassigned

Filed: January 4, 2002

Docket No.: 12013/59401

For: NON-COMPLIANT BALLOON WITH COMPLIANT TOP-LAYER TO PROTECT
COATED STENTS DURING EXPANSION

INFORMATION DISCLOSURE STATEMENT

RECEIVED

APR 17 2003

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

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☐ 12. Other.

Respectfully submitted,

KENYON & KENYON

Date: 15 April 2003



Mark H. Neblett
Registration No. 42,028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Jan WEBER et al.
Serial No. : 10/035,158
Patent No. : 7,070,613 B2
Filed : January 4, 2002
For : NON-COMPLIANT BALLOON WITH COMPLIANT TOP-
LAYER TO PROTECT COATED STENTS DURING
EXPANSION
Group Art Unit : 3738
Examiner : Alvin J. STEWART

Attn: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF
CORRECTION PURSUANT TO 37 C.F.R. §1.323**

SIR:

Patentee hereby requests that the enclosed Certificate of Correction be issued for the above Patent under authority of 35 U.S.C. § 254 and 35 U.S.C. § 255.

The following error has occurred through the fault of the Patent Office and is clearly disclosed in the records of the Office. The face of the patent fails to list the eight references that were submitted by Applicants in an IDS filed with the USPTO on April 15, 2003, and received on April 15, 2003. Although the Application Information at the top of the PTO/SB08A form was incorrectly listed, the correct information was on the front page of the Information Disclosure Statement and on the postcard submitted together with the SB08A form. Additionally, the 5 non-US patents and the International Search Report were also submitted together with the IDS on April 15, 2003.

The Examiner considered these eight references and signed the SB08A form on September 24, 2003. This signed IDS was included as Paper No. 5 in the Office Action mailed

October 3, 2003, as indicated by the checked attachments at the bottom of the Office Action Summary. Thus, the following references should be included on the face of the patent:

U.S. PATENT DOCUMENTS

5,810,871	9/1998	Tuckey et al.....606/198
6,174,327	1/2001	Mertens et al.....623/1.11
2001/0049551	12/2001	Tseng et al.....623/1.15

FOREIGN PATENT DOCUMENTS

EP 0 553 960	8/1993	(EP)
WO 97/09946	3/1997	(WO)
EP 0 872 220	10/1998	(EP)
EP 0 897 730	2/1999	(EP)
WO 99/56663	11/1999	(WO)

It is noted that in the file history listed on PAIR, both the PTO/SB08A form submitted with the IDS on April 15, 2003 and the signed SB08A form attached to the Office Action of October 3, 2003 appear to be missing. Applicants enclose herewith a copy of the entire Office Action including the signed IDS (best copy available) and a copy of the originally submitted IDS with the stamped postcard.

Additionally, the following errors made by the Applicant that appear in this patent are of a clerical, typographical or minor nature or character and occurred in good faith. Correction thereof does not involve changes in the patent as would constitute new matter or would require reexamination. In particular:

Column 2, line 18, "andenoassociated virus" should be changed to -adeno-associated virus--;

Column 2, line 58, "nitorfurantoin" should be changed to -nitrofurantoin--;

Column 2, line 60, "lisidomine" should be changed to -linsidomine--;

Column 2, line 66, "Warafin" should be changed to -warfarin--;

Column 3, lines 1-2, "promotors" should be changed to -promoters--;

Column 3, lines 3-4, "promoters" should be changed to --promoters--;

Column 3, line 12, "endogeneous vascoactive" should be changed to --endogenous vasoactive--;

Column 3, line 52, "(BMP's)" should be changed to --(BMPs)--;

Column 3, line 55, "BMP's" should be changed to --BMPs--;

Column 4, line 18, "Pebax" should be changed to --PEBAX[®] (polyether block amide)--

Column 4, line 66, "that " should be changed to --than--;

Column 5, line 62, "components" should be changed to --components.--;

Column 6, line 3, "Tantalum, Platinum of Nitinol alloys" should be changed to --tantalum, platinum, or nitinol alloys--;

Column 6, line 14, "though" should be changed to --through--;

Column 7, line 30, "proximal only" should be changed to --proximal end only--; and

Claim 16, line 3 (column 9, line 1), "sheath at least one" should be changed to --sheath at at least one--.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. §1.20(a) Certificate of Correction fee of \$100.00 to the deposit account of Kenyon & Kenyon, deposit account number 11-0600. The Commissioner is also authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Dated: July 29, 2008

/Jocelyn D. Ram

Jocelyn D. Ram

Registration No. 54,898

KENYON AND KENYON LLP
1500 K Street, N.W. - Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201